

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

David W Murphy
Bambi L Murphy
Debtor(s)

Bankruptcy Case No.: 18-21773-GLT
Issued Per 11/8/2018 Proceeding
Chapter: 13
Docket No.: 40 - 15
Concil. Conf.: November 8, 2018 at 01:30 PM

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

(1.) PLAN CONFIRMATION:

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated April 18, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on Nov. 8, 2018 at 01:30 PM, in 3251 U.S. Steel Tower, 600 Grant Street, Pittsburgh, PA 15219.*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☒ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☒ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Claim No. 13 of Midfirst .
- ☒ H. Additional Terms: A Fee Application is needed if any fee (including retainer) exceeds \$4,000.00 including any fees paid to prior counsel.

1. Claim No. 16 of Acar leasing governs as to amount to be paid per plan.

2. The secured claim(s) of the following Creditor(s) shall govern as to claim amount, to be paid at the modified plan terms: Claim No. 2 of One Main Financial.

3. No further payments to Beneficial on basis that mortgage was satisfied.

(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

A. Objections to the Plan. Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

B. Applications to retain brokers, sales agents, or other professionals. If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

C. Review of Claims Docket and Objections to Claims. Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

D. Motions or Complaints Pursuant to §§506, 507 or 522. All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

E. Filing Amended Plans. Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

A. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

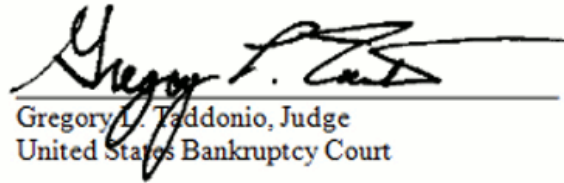
B. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

C. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

D. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

E. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

F. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.



Gregory A. Taddonio, Judge
United States Bankruptcy Court

Dated: November 14, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

Certificate of Notice Page 5 of 6
 United States Bankruptcy Court
 Western District of Pennsylvania

In re:
 David W Murphy
 Bambi L Murphy
 Debtors

Case No. 18-21773-GLT
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-2

User: dbas
 Form ID: 149

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 Total Noticed: 45

Date Rcvd: Nov 14, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Nov 16, 2018.

db/jdb
 cr
 cr
 14884921 +David W Murphy, Bambi L Murphy, 707 Ferne Drive, Kittanning, PA 16201-2311
 14825972 +ACAR Leasing LTD d/b/a GM Financial Leasing, 4000 Embarcadero Dr., Arlington, TX 76014-4101
 14825973 +Peoples Gas Company LLC, f/k/a Peoples TWP LLC, c/o S. James Wallace, P.C.,
 845 N. Lincoln Ave., Pittsburgh, PA 15233-1828
 14825974 +ACAR Leasing LTD, d/b/a GM Financial Leasing, PO Box 183853, Arlington, TX 76096-3853
 14825975 +AT & T, 10550 Deerwood Park Blvd, Jacksonville, FL 32256-0596
 14825976 Barclays Bank Card, P.O. Box 8801, Wilmington, DE 19899-8801
 14825977 Barclays Bank Card, P.O. Box 23870, Jacksonville, FL 32241-3870
 14825978 +Beneficial/hfs, PO Box 5263, Carol Stream, IL 60197-5263
 14825979 +Client Services, Inc., 3451 Harry Truman Bl, Saint Charles, MO 63301-9816
 14825978 +Credit Control LLC, PO Box 31179, Tampa, FL 33631-3179
 14860543 +Department Stores National Bank, Citibank, N.A., 701 East 60th Street North,
 Sioux Falls, SD 57104-0493
 14825982 GM Financial, P.O. Box 78143, Phoenix, AZ 85062-8143
 14825981 +Glen Toy, 505 North Crescent St, Kittanning, PA 16201-2213
 14825984 +HSBC, CML Customer Resolution Department, 1421 W. Shure Drive, Suite 100,
 Arlington Heights, IL 60004-7818
 14825985 HSBC Mortgage Services, P.O. Box 17580, Baltimore, MD 21297-1580
 14825983 +Hayt, Hayt & Landau, LLC, Two Industrial Way West, Eatontown, NJ 07724-2279
 14825986 +Joshua McNamara, Esq., Hayt, Hayt, & Landau LLC, Meridian Center I, 2 Industrial Way West,
 Eatontown, NJ 07724-2279
 14825988 Macy's, P.O. Box 31179, San Antonio, TX 78265-9728
 14878218 +MidFirst Bank, 999 NW Grand Blvd, Oklahoma City, OK 73118-6051
 14825990 Midland Mortgage, P.O. Box 269074, Oklahoma City, OK 73126-9074
 14825991 Northstar Location Services, 4285 Genesee Street, Buffalo, NY 14225-1943
 14825992 Northstar Location Services LLC, Attn: Financial Services Dept., 4285 Genesee St.,
 Buffalo, NY 14225-1943
 14825993 +One Main Financial, Bankruptcy Department, 725 Industrial Boulevard,
 London, KY 40741-7288
 14825995 Pressler & Pressler LLP, 7 Entin Rd, Parsippany, NJ 07054-5020
 14826000 VW Credit, P.O. Box 5215, Carol Stream, IL 60197-5215
 14856303 +VW Credit Leasing, Ltd, c/o VW Credit, Inc., PO Box 9013, Addison, Texas 75001-9013

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14825976 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 04:00:22 Capital One Bank,
 P.O. Box 5155, Norcross, GA 30091
 14849298 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 03:59:17
 Capital One Bank (USA), N.A., PO Box 71083, Charlotte, NC 28272-1083
 14857600 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Nov 15 2018 03:59:17 Capital One, N.A.,
 PO Box 71083, Charlotte, NC 28272-1083
 14825979 E-mail/PDF: creditonebknofications@resurgent.com Nov 15 2018 03:59:22 Credit One Bank,
 PO Box 98878, Las Vegas, NV 89193-8878
 14825980 +E-mail/Text: collectionbankruptcies.bancorp@53.com Nov 15 2018 03:58:19 Fifth Third Bank,
 c/o Bankruptcy Dept. Mdropso5, 1850 East Paris, Grand Rapids, MI 49546-6210
 14825987 +E-mail/PDF: resurgentbknofications@resurgent.com Nov 15 2018 03:59:57 LVNV Funding,
 P.O. Box 1269, Greenville, SC 29602-1269
 14878555 E-mail/PDF: resurgentbknofications@resurgent.com Nov 15 2018 03:59:24
 LVNV Funding, LLC its successors and assigns as, assignee of MHC Receivables, LLC and,
 FNBM, LLC, Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 14868142 +E-mail/Text: bankruptcydpt@mcmcg.com Nov 15 2018 03:57:42 MIDLAND FUNDING LLC,
 PO Box 2011, Warren, MI 48090-2011
 14825989 E-mail/Text: bankruptcydpt@mcmcg.com Nov 15 2018 03:57:42 Midland Credit Management, Inc.,
 PO Box 60578, Los Angeles, CA 90060-0578
 14855935 E-mail/PDF: cbp@onemainfinancial.com Nov 15 2018 04:00:16 OneMain, P.O. Box 3251,
 Evansville, IN 47731-3251
 14825994 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2018 03:59:19
 Portfolio Recovery Associates LLC, PO Box 12914, Norfolk, VA 23541
 14826802 +E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Nov 15 2018 03:59:20
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 14875676 E-mail/Text: bnc-quantum@quantum3group.com Nov 15 2018 03:57:01
 Quantum3 Group LLC as agent for, Comenity Bank, PO Box 788, Kirkland, WA 98083-0788
 14868766 E-mail/Text: bnc-quantum@quantum3group.com Nov 15 2018 03:57:01
 Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788
 14825996 E-mail/Text: bankruptcy@sccompanies.com Nov 15 2018 03:58:52 Seventh Avenue,
 1112 7th Avenue, Monroe, WI 53566-1364
 14863251 +E-mail/Text: bankruptcy@sccompanies.com Nov 15 2018 03:58:52 Seventh Avenue,
 c/o Creditors Bankruptcy Service, P.O. Box 800849, Dallas, TX 75380-0849
 14825997 E-mail/PDF: gecsed@recoverycorp.com Nov 15 2018 03:59:15
 Synchrony Bank/Dicks Sporting Goods, P.O. Box 965004, Orlando, FL 32896-5004
 14825998 E-mail/PDF: gecsed@recoverycorp.com Nov 15 2018 04:00:18 Synchrony Bank/Walmart,
 P.O. Box 530927, Atlanta, GA 30353-0927
 14825999 E-mail/Text: BNC-ALLIANCE@QUANTUM3GROUP.COM Nov 15 2018 03:56:56 Victoria's Secret,
 PO Box 659728, San Antonio, TX 78265-9728

District/off: 0315-2

User: dbas
Form ID: 149

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Total Noticed: 45

Date Rcvd: Nov 14, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center
(continued)

TOTAL: 19

***** BYPASSED RECIPIENTS (undeliverable, * duplicate) *****
cr MidFirst Bank
cr* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
14878673* ++PORTFOLIO RECOVERY ASSOCIATES LLC, PO BOX 41067, NORFOLK VA 23541-1067
(address filed with court: Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541)
TOTALS: 1, * 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Nov 16, 2018

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on November 14, 2018 at the address(es) listed below:

Dai Rosenblum on behalf of Debtor David W Murphy Jody@dairosenblumbankruptcy.com,
pjbz@zoominternet.net;Dai@dairosenblumbankruptcy.com;Michael@dairosenblumbankruptcy.com
Dai Rosenblum on behalf of Joint Debtor Bambi L Murphy Jody@dairosenblumbankruptcy.com,
pjbz@zoominternet.net;Dai@dairosenblumbankruptcy.com;Michael@dairosenblumbankruptcy.com
James Warmbrodt on behalf of Creditor MidFirst Bank bkgroup@kmlawgroup.com
Office of the United States Trustee ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour cmecf@chapter13trusteedpa.com
S. James Wallace on behalf of Creditor Peoples Gas Company LLC, f/k/a Peoples TWP LLC
sjw@sjwpgh.com, srk@sjwpgh.com;PNGbankruptcy@peoples-gas.com
William E. Craig on behalf of Creditor ACAR Leasing LTD d/b/a GM Financial Leasing
ecfmail@mortoncraig.com, mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 7